

EXHIBIT 2

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

)
WAYMO LLC,)
)
Plaintiff,)
)
vs.) Case No.
) 3:17-cv-00939-WHA
UBER TECHNOLOGIES, INC.,)
OTTOMOTTO LLC; OTTO)
TRUCKING LLC,)
)
Defendants.)

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VIDEOTAPED DEPOSITION OF GARY T. BROWN
San Francisco, California
Friday, March 24, 2017
Volume I

Reported by: SUZANNE F. GUDELJ
CSR No. 5111
Job No. 2577644
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1 Q Okay. At the time that you're talking to
2 these people, the HRBP and the GI rep, you said to
3 them there may have been moonlighting.

4 A Mm-hmm.

5 Q Did you explain to them what made you think 12:07:40
6 that there might be moonlighting?

7 A Yes.

8 Q Okay. And what did you say to them?

9 MR. HOLMES: Okay. We need to take a
10 break. I think he's confused about privilege 12:07:52
11 issues, so we should -- we should take a break and
12 talk about this with respect to privilege. And he's
13 asked twice. I'm not trying to --

14 MR. GONZALEZ: All right. All right.
15 Let's -- okay. Let's go off the record. 12:08:01

16 MR. HOLMES: Okay. Thank you.

17 VIDEO OPERATOR: We are off the record at
18 12:07 p.m.

19 (Recess.)

20 VIDEO OPERATOR: We are back on the record 12:13:42
21 at 12:13 p.m.

22 BY MR. GONZALEZ:

23 Q What did you say to these two women,
24 including Chelsea, about why you thought there may
25 be moonlighting? 12:13:53

1 MR. HOLMES: I'm going to instruct the
2 witness not to answer on work product and
3 attorney-client privilege grounds.

4 BY MR. GONZALEZ:

5 Q Did you have any conversation -- or strike 12:14:00
6 that.

7 Did either Chelsea or the other woman from
8 HR say to you anything about legal counsel?

9 A I don't recall, but the implication is that
10 yes. 12:14:22

11 Q What do you mean by that?

12 MR. HOLMES: I'm going to instruct you not
13 to answer.

14 BY MR. GONZALEZ:

15 Q At the time you were doing the work in 12:14:32
16 March of 2016, had you heard of a company called
17 Otto?

18 A I may have.

19 Q Was that the name of the second job that
20 you referenced? 12:14:54

21 MR. HOLMES: I'm going to instruct you not
22 to answer.

23 MR. GONZALEZ: On the grounds of privilege?

24 MR. HOLMES: Attorney work product.

25 MR. GONZALEZ: Just for my record, which 12:15:12

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1 attorney?

2 MR. HOLMES: Pardon me?

3 MR. GONZALEZ: Yeah, which -- which
4 attorney are you referring to?

5 MR. HOLMES: Google and/or Waymo counsel 12:15:25
6 generally.

7 BY MR. GONZALEZ:

8 Q Your declaration -- your declaration makes
9 reference to 14,000 files; do you recall that?

10 A Yes. 12:15:40

11 Q When did you -- are you the person who
12 discovered that there were 14,000 files allegedly
13 downloaded?

14 A No.

15 Q Who discovered that? 12:15:50

16 MR. HOLMES: Caution you not to disclose
17 any attorney-client communications or work product.

18 MR. GONZALEZ: Well, I'm telling you it's
19 a -- it's a waiver once it makes its way into a
20 declaration filed in federal court. So let me do it 12:16:09
21 this way.

22 BY MR. GONZALEZ:

23 Q You say in your declaration, paragraph 17,
24 that based on your review of logs, Mr. Levandowski
25 allegedly downloaded over 14,000 files. Do you see 12:16:30

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1 that?

2 A Yes.

3 Q How did that first come to your attention?

4 MR. HOLMES: And I want to caution you not
5 to disclose any attorney-client communications. 12:16:41

6 THE WITNESS: A log file was provided to
7 me.

8 BY MR. GONZALEZ:

9 Q By whom?

10 MR. HOLMES: Same caution. 12:16:58

11 THE WITNESS: A former administrator of the
12 SVN server had pulled the log, provided it to a
13 lawyer. The lawyer provided it to me.

14 BY MR. GONZALEZ:

15 Q All right. And when did you get this log? 12:17:11

16 A Sometime in February 2017.

17 Q Do you remember any more specifically what
18 the date was when you, yourself, saw the alleged
19 downloading of 14,000 files?

20 A That varies. 12:17:41

21 Q When's the first time that you saw some of
22 the downloading that ended up being 14,000 files?

23 A I saw the network traffic in October of
24 2016.

25 Q What is network traffic? 12:17:59

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1 A When activity occurs on devices that are on
2 Google's corporate network, our sensors pick up
3 information about that traffic, and those go into
4 our logs.

5 Q So what information was picked up about the 12:18:18
6 downloading of the 14,000 files?

7 A From the network traffic. Approximately 10
8 gigabytes of data was transferred from the IP
9 address and domain where the subversion server
10 relies -- resides to the work laptop of Anthony 12:18:46
11 Levandowski.

12 Q Did you consider that to be suspicious?

13 MR. HOLMES: Objection to form.

14 THE WITNESS: Potentially.

15 BY MR. GONZALEZ: 12:19:04

16 Q That fact by itself didn't make you to
17 think -- didn't make you think that he had done
18 anything improper, did it?

19 MR. HOLMES: Objection to form.

20 THE WITNESS: That fact by itself has other 12:19:15
21 factors around it that do make it suspicious.

22 BY MR. GONZALEZ:

23 Q Such as?

24 A Such as the searching for instructions on
25 how to access that server; such as the appearance of 12:19:27

1 MR. HOLMES: -- the question he has.

2 MR. GONZALEZ: Let's go off the record.

3 VIDEO OPERATOR: We are off the record at
4 12:24 p.m.

5 (Recess.) 12:27:59

6 VIDEO OPERATOR: We are back on the record
7 at 12:27 p.m.

8 BY MR. GONZALEZ:

9 Q Who told you that Mr. Levandowski had
10 access to the server and downloaded 14,000 files? 12:28:07

11 A A lawyer.

12 Q Which lawyer?

13 A Tom Gorman.

14 Q And did you then seek to confirm that by
15 your analysis? 12:28:22

16 A Yes.

17 Q And did you confirm that in October of
18 2016?

19 A I corroborated the download with network
20 traffic. 12:28:43

21 Q So you looked at the network traffic to
22 corroborate that 14,000 files were downloaded onto
23 what device?

24 A Anthony Levandowski's work laptop.

25 Q The work laptop that was issued to him by 12:29:00

1 computers of other former Google employees who now
2 work at Uber?

3 MR. HOLMES: And I'm going to instruct you
4 not to answer to the extent that he's asking for
5 individuals other than the three that are identified 12:30:45
6 in your declaration.

7 BY MR. GONZALEZ:

8 Q Let me just first ask a yes or no question.

9 You did work on the three people that we've
10 seen. Did you analyze other former Google 12:30:54
11 employees, who now work at Uber, to try to figure
12 out whether they may have taken stuff that they
13 weren't supposed to take?

14 MR. HOLMES: Same instruction not to answer
15 to the extent that he's asking about employees that 12:31:07
16 are not identified in your declaration. It's work
17 product.

18 BY MR. GONZALEZ:

19 Q Do you know whether or not anybody else at
20 Google has done an analysis to see whether or not 12:31:18
21 anybody else at Uber may have taken Google
22 documents?

23 MR. HOLMES: Same instruction.

24 BY MR. GONZALEZ:

25 Q Sitting here today, do you know of any 12:31:31

1 other Uber employee who may have taken information
2 from Google?

3 MR. HOLMES: Same instruction. To the
4 extent that he's asking about anybody other than the
5 three individuals identified in your declaration, 12:31:47
6 which is why we're here, I'm instructing you not to
7 answer.

8 MR. GONZALEZ: Okay. We're here for more
9 than just that.

10 BY MR. GONZALEZ: 12:32:17

11 Q With respect to Mr. Raduta and the three
12 documents that you identify in paragraph 29, those
13 three documents were exported to his company
14 computer, right?

15 A I'm uncertain. 12:32:42

16 Q You don't have any reason to dispute that,
17 do you?

18 MR. HOLMES: Objection to form.

19 THE WITNESS: Not currently.

20 BY MR. GONZALEZ: 12:33:00

21 Q Is there some ongoing work that you're
22 doing to try to figure that part out?

23 MR. HOLMES: Objection. You don't have to
24 answer that. That's attorney work product.

25 BY MR. GONZALEZ: 12:33:10

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

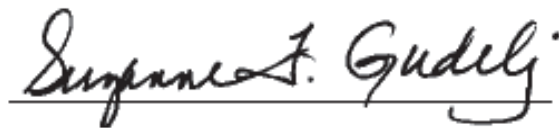
4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a record
8 of the proceedings was made by me using machine
9 shorthand which was thereafter transcribed under my
10 direction; that the foregoing transcript is a true
11 record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [X] was not requested.

16 I further, certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: 3/27/17

22 
23

SUZANNE F. GUDELJ

24 CSR No. 5111
25